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Barbara L. Juhas

Typed or Printed Name of Person Sending Paper or Fee

Barbara L. Juhas

April 13, 2005

Signature

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:)

ERA-CONTACT GmbH)

Serial No.: 10/519,520)

Filed: 23 December 2004)

Docket No. 6841-0005WOUS

Title: FLUID-TIGHT CABLE DUCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF TRANSLATION OF INTERNATIONAL
PRELIMINARY EXAMINATION REPORT

Dear Sir:

Enclosed herewith is a copy of the English translation of the International Preliminary Examination Report in connection with the above-identified patent application. This document was previously submitted on March 30, 2005, but an incorrect Serial No. (10/415,776) was indicated above. A second copy of the translation is being forwarded now to correct the error.

In the event a fee is due for this submission, please charge our Deposit Account No. 13-0235.

Respectfully submitted,

McCormick, Paulding & Huber LLP

By *Daniel G. Mackas*

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Translation

PATENT COOPERATION TREATY

PCT/EP2003/007134



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference E 9207 PCT		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/007134	International filing date (day/month/year) 03 July 2003 (03.07.2003)	Priority date (day/month/year) 03 July 2002 (03.07.2002)	
International Patent Classification (IPC) or national classification and IPC H02G 3/22			
Applicant ERA-CONTACT GMBH			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 03 February 2004 (03.02.2004)	Date of completion of this report 30 September 2004 (30.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/007134

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 3-8 _____, as originally filed
 pages _____, filed with the demand
 pages _____ 1, 2 _____, filed with the letter of _____ 30 April 2004 (30.04.2004)
- ☒ the claims:
 pages _____ 5 (In Part), 6-12 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____ 1-4, 5 (In Part) _____, filed with the letter of _____ 30 April 2004 (30.04.2004)
- ☒ the drawings:
 pages _____ 1/3-3/3 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/07134

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-12	YES
	Claims		NO
Inventive step (IS)	Claims	1-12	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations

1. Novelty

The subject matter of claim 1, which concerns a fluid-tight, in particular oil-tight, cable bushing with a bushing body, differs from the closest prior art, as disclosed in US 5 278 357 A, by the features in the characterizing part of claim 1, namely in that the connection piece has a solid cross-section over at least part of its length and at least part of its length is housed in the individual duct in the sealing element.

Therefore the subject matter of claim 1 is novel in light of the prior art as defined in the Regulations (PCT Rule 64.1 to 64.3). Therefore the requirement of PCT Article 33(2) is met.

2. Inventive step

With the known cable bushings, as shown by the closest prior art, documents US 5 278 357 A and DE 32 32 050 A, the bushing is not completely fluid-tight. As a result of the capillary effect, fluid can penetrate the interior of the flex and pass through the cable duct via the flex interior. Moreover, the casting compound which fills the

bushing body tends to shrink owing to the ageing process, such that a gap can form between the flex and the casting compound or between the latter and the cable duct wall; fluid can then pass from the interior to the exterior of the bushing body.

The problem of interest is solved by the features in the characterizing part of claim 1.

The prior art contains nothing to suggest the fluid-tight cable bushing as per claim 1.

Therefore the subject matter of claim 1 involves an inventive step.

The requirement of PCT Article 33(3) is thus met.

3. Claims 2 to 12 are dependent on claim 1 and hence their subject matter can likewise be considered novel and inventive (PCT Article 33(2) and (3)).

4. Industrial applicability

The invention concerns a fluid-tight, in particular oil-tight, cable bushing with a bushing body and can therefore be considered to have industrial applicability (PCT Article 33(4)).